

SUMMARY OF PROPOSED COMMITTEE DRAFT:

**Bill 46 (2014) –
URINATING AND DEFECATING IN PUBLIC**

PROPOSED CD1:

- A. New language appears at page 2, Section 40-___.3(3) to provide an exception where urination and defecation in any designated geographic area is prohibited by a separate ordinance enactment. The language also deletes the word “already” from the phrase “already prohibited by state law” to expand the exception to include not only state laws in existence, but also future state laws.
- B. Makes miscellaneous technical and nonsubstantive amendments.



A BILL FOR AN ORDINANCE

[] RELATING TO URINATING AND DEFECATING IN PUBLIC.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Urinating and defecating in public creates a public health risk because of the possible spread of disease and other health hazards stemming from exposed untreated human waste.

The purpose of this ordinance is to prohibit urinating and defecating in public places.

SECTION 2. Chapter 40, Revised Ordinances of Honolulu 1990, as amended, is further amended by adding a new article to be appropriately designated by the reviser of ordinances and to read as follows:

"Article _____. Urinating or Defecating in Public Prohibited

Sec. 40-____.1[]_Definitions.

For the purposes of this article:

"Public place" means any publicly-owned or privately-owned property open for public use or to which the public is invited for entertainment or business purposes and includes but is not limited to any street, sidewalk, driveway, alley, doorway, mall, plaza, park, public building, or parking lot.

Sec. 40-____.2[]_Prohibition.

No person shall intentionally or knowingly urinate or defecate (a) in a public place, or (b) in any area where such an act is likely to be observed by any member of the public.

Sec. 40-____.3[]_Exceptions.

(1) This section shall not apply in cases where the person failed to use a restroom or other toilet facility because of a medical condition verified by a licensed physician.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

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(2) This section shall not apply to a person urinating or defecating while using appropriate fixtures in any restroom or other toilet facility designed for the sanitary disposal of human waste.

(3) This section shall not apply to any area where urination or defecation is [already] prohibited by state law[.] or by a separate ordinance enactment.

Sec. 40-____.4[]_Violation-Penalty.

Any person violating any provision of this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS[,] Sections 706-640 and 706-663, as amended."



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SECTION 3. This ordinance takes effect upon approval.

INTRODUCED BY:

Ikaika Anderson

Ann Kobayashi

Carol Fukunaga

DATE OF INTRODUCTION:

June 25, 2014
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu

14-05316/351852